

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.5, the Department of Human Services proposes to amend Chapter 109, “Child Care Centers,” and Chapter 110, “Child Development Homes,” Iowa Administrative Code.

These amendments update provider immunization requirements for both child care centers and child development homes. The amendments require all child care providers to have a signed statement, new Form 470-5152, from a licensed physician, stating they are free from communicable disease, are in good health, and should not be prevented from providing child care services. Form 470-5152 will serve as documentation of a conversation between a physician and child care provider in which current Advisory Committee on Immunization Practices (ACIP) immunization guidelines are reviewed and the risks and benefits associated with the provider’s receiving such immunizations are discussed.

These amendments also change the Department’s form required for authorizing mandated state record checks for child development home providers. There are currently two forms listed in the rules; however, due to previous changes in the rules and in the Iowa Code, both of these forms are no longer necessary and are causing confusion for Department staff and child care providers. A new form has been developed that will replace both of the old forms. As a result of the change, the requirements for provider file documentation for child development home providers have been updated.

These amendments also correct an erroneous reference in subparagraph 110.5(2)“d”(5).

Finally, these amendments add a new form addressing the currently mandated documentation of the health of pets in registered child development homes.

Any interested person may make written comments on the proposed amendments on or before July 2, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because Iowa Code section 237A.5 dictates all providers must have good health as evidenced by a report following a preemployment physical examination taken within six months prior to beginning employment. The examination shall include communicable disease tests by a licensed physician as defined in Iowa Code section 135C.1 and shall be repeated every three years. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237A.5.

The following amendments are proposed.

ITEM 1. Amend paragraph **109.9(1)“d”** as follows:

d. A physical examination report. Personnel shall have good health as evidenced by a preemployment physical examination, including. Acceptable physical examinations shall be documented on Form 470-5152, Child Care Provider Physical Examination Report. The examination shall include any necessary testing for communicable diseases which shall include testing for tuberculosis; shall include a discussion regarding current Advisory Committee on Immunization Practices (ACIP)-recommended vaccinations; shall be performed within six months prior to beginning employment by a licensed medical doctor, doctor of osteopathy, ~~physician’s~~ physician assistant or

advanced registered nurse practitioner; and shall be repeated at least every three years after initial employment.

ITEM 2. Amend paragraph **110.5(1)“q”** as follows:

q. Providers shall inform parents of the presence of any pet in the home.

(1) Each dog or cat in the household shall undergo an annual health examination by a licensed veterinarian ~~and be issued a veterinary health certificate.~~ Acceptable veterinary examinations shall be documented on Form 470-5153, Veterinary Health Certificate. This certificate examination shall verify that the animal’s routine immunizations, particularly rabies, are current and that the animal is free shows no evidence of endoparasites (e.g., roundworms, hookworms, whipworms) and ectoparasites (e.g., fleas, mites, ticks, lice).

(2) Each pet bird in the household shall be purchased from a dealer licensed by the Iowa department of agriculture and land stewardship and shall be examined by a veterinarian to verify that it is free of infectious diseases. Acceptable veterinary examinations shall be documented on Form 470-5153, Veterinary Health Certificate. Children shall not handle pet birds.

(3) to (5) No change.

ITEM 3. Amend subrule 110.5(2) as follows:

110.5(2) Provider files. A provider file shall be maintained and shall contain the following:

a. ~~A physician’s signed statement that the provider and members of the provider’s household are free of diseases or disabilities that would prevent good child care. This statement shall:~~

~~(1) Be obtained at the time of the first registration and at least every two years thereafter on all members of the provider’s household that may be present when children are in the home.~~

~~(2) Include immunization or immune status for measles, mumps, rubella, diphtheria, tetanus, and polio. Providers may consult with their physician regarding recommendations for varicella, influenza, pneumonia, hepatitis A, and hepatitis B immunizations.~~

a. A physical examination report. Providers and all members of a provider’s household shall have good health as evidenced by a preregistration physical examination. Acceptable physical examinations shall be documented on Form 470-5152, Child Care Provider Physical Examination Report. The examination shall include any necessary testing for communicable diseases; shall include a discussion regarding current Advisory Committee on Immunization Practices (ACIP)-recommended vaccinations; shall be performed within six months prior to registration by a licensed medical doctor, doctor of osteopathy, physician assistant or advanced registered nurse practitioner; and shall be repeated at least every three years.

b. Certificates or other documentation from the department verifying required training as set forth in subrule 110.5(11): the following:

(1) Required training as set forth in subrule 110.5(11).

(2) Completion of all record checks as required in subrule 110.7(3), at initial application, at each application for change and at each application for renewal.

c. An individual file for each staff assistant that contains:

~~(1) A completed Form 595-1396, DHS Criminal History Record Check Documentation from the department confirming the record checks required under subrule 110.7(3) have been completed and authorizing or conditionally limiting the person’s involvement with child care.~~

~~(2) A completed Form 470-0643, Request for Child Abuse Information.~~

~~(3) (2) A physician’s signed statement completed Form 470-5152, Child Care Provider Physical Examination Report, that meets the requirements of paragraph 110.5(2)“a.”~~

~~(4) (3) Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse, completed within six months of employment and every five years thereafter, as required by Iowa Code section 232.69.~~

d. An individual file for each substitute that contains:

~~(1) A completed Form 595-1396, DHS Criminal History Record Check Documentation from the department confirming the record checks required under subrule 110.7(3) have been completed and authorizing or conditionally limiting the person’s involvement with child care.~~

- ~~(2) A completed Form 470-0643, Request for Child Abuse Information.~~
- ~~(3) (2) A physician's signed statement completed Form 470-5152, Child Care Provider Physical Examination Report, that meets the requirements of paragraph 110.5(2) "a."~~
- (4) (3) Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse, completed within six months of employment and every five years thereafter, as required by Iowa Code section 232.69.
- ~~(5) (4) Certification in first aid that meets the requirements of subparagraph 110.5(2) "b" (2).~~
paragraph 110.5(11) "b."